

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAN 28 2010

JOHN F. CONCORAN, CLERK
BY: 
DEPUTY CLERK

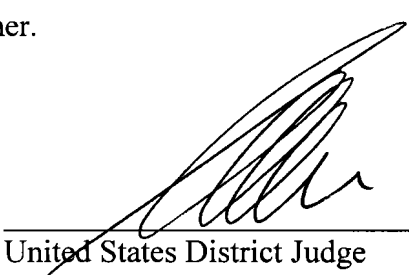
UNITED STATES OF AMERICA,)
)
v.) **Criminal Case No. 7:05cr00094-1**
) **By: Samuel G. Wilson**
) **United States District Judge**
JERMAINE LEE OSBOURNE.)
) **2255 FINAL ORDER**

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Osbourne's 28 U.S.C. § 2255 motion is **DISMISSED without prejudice** as successive; and this action is **STRICKEN** from the active docket of the court.

Further, finding that Osbourne has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk of the Court is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to the petitioner.

ENTER: This 28th day of January, 2010.



United States District Judge